



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
726 MINNESOTA AVENUE  
KANSAS CITY, KANSAS 66101

REC'D

APR 12 1999

RESP

CONFIDENTIAL. FOR SETTLEMENT PURPOSES ONLY.  
SENT via FACSIMILE AND U.S. MAIL

April 9, 1999

Richard L. Waters, Esq.  
Armstrong, Teasdale, Schlafly  
& Davis  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740

Re: In the Matter of Willert Home Products, Inc., RCRA Docket No. VII-98-H-0017

Dear Mr. Waters:

I am sending this letter, for settlement purposes only, pursuant to our conversation of April 8, 1999. Based on the information in your affidavits, the Environmental Protection Agency (EPA) has revised its total proposed penalty to \$67,880.00. I am sorry, but I do not have the revised break-down per count in the Complaint. Further, the EPA is willing to give some credit for a one-time accounting of the cost of your proposed Supplemental Environmental Project (SEP), dealing with the "Change-Out" procedures for the spent charcoal. The other proposed SEP in your March 8, 1999 letter regarding the remediation of the old Bi-State bus terminal is unacceptable because it fails to meet the requirements of the SEP policy.

Regarding the Change-Out procedures, the following information is required for EPA's review and evaluation:

- What are the hazardous and toxic constituents of the spent charcoal and filter waste in addition to the spent para-Dichlorobenzene?
- What are the current housekeeping practices in handling the spent charcoal and used filters from the air-filtration tanks?
- What are the current disposal practices of the para-Dichlorobenzene, spent charcoal and the waste filters?
- What is the current generation rate and volume of the spent charcoal and filter waste?
- As this appears to fall under the SEP policy requirement of pollution prevention, please identify the waste products currently generated from the spent charcoal and filter waste will be recycled and for what purpose and operational utilization at the plant.



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RCRA RECORDS CENTER

Mr. Richard L. Waters  
Willert Home Products  
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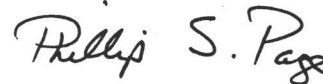
- Please provide the total cost to develop and implement the proposed project for the first time (although continuous in nature, the EPA can only give credit for a one time effort). Also, include a projected or actual cost for each task.

Additionally, we discussed the multi-day component of penalty calculation. At this point, the EPA is not convinced that any time less than 180 days of violation is appropriate. However, the EPA would be willing to reduce the amount of the per day violation (currently at \$275 per day in the moderate-moderate multi-day matrix cell) to a lower per day assessment. However, before the EPA can consider such a lower assessment, a compelling argument justifying the lower assessment needs to be made. As part of such justification and argument, please identify a per day assessment which you feel is appropriate for the violation. Without this, the current penalty will be the Agency's final offer.

As you know, time is of the essence. Please provide the requested information as soon as possible so that we can either resolve this matter or start preparing for a hearing. I am willing to file a Motion for a Continuance to delay the hearing, but both parties need, at a minimum, to have agreed to a settlement in principle before such a motion can be filed.

I look forward to your quick response to this letter. Thank you for your continued cooperation to date.

Sincerely,



Phillip S. Page

c: Peter Sam, ARTD-RESP